

More Metro news

# CHP buys Tasers for 'option short of lethal force'

**By Kristina Davis**  
UNION-TRIBUNE STAFF WRITER

February 4, 2008

The California Highway Patrol has added a new weapon to its tool belt: Taser stun guns. The agency is distributing more than 1,600 of them to nearly 7,000 officers statewide.

CHP officers in San Diego County will get 81 of the Tasers.

That is enough for each officer and sergeant to check out a Taser while on duty. They will have to hand it in at the end of each shift.

The CHP is the last law enforcement agency in the county to begin carrying the stun gun on routine patrol.

"When a statewide agency looks at buying anything, they are buying a whole lot more of it than other agencies," said CHP Officer Brad Baehr of the San Diego area office. "There's no comparison. The finances involved are night and day."

The total price tag comes to **\$3.8** million.

"We've decided this is a good weapon to give us one more option short of lethal force," said CHP spokesman Tom Marshall in Sacramento.

A Taser delivers a **50,000-volt** shock through twin barbs when fired, causing the person to collapse from temporary loss of muscular control.

Officers in San Diego County will begin training on the weapons this month.

The feedback from officers has so far been positive, Marshall said. Just the threat of using a **Taser** often has suspects stop in their tracks.

"Just merely saying, 'Hey, I'm going to Taser you,' and them hearing the 'click, click, click' sound at the beginning makes them throw their hands up and stop," Marshall said. "It's amazing. People don't seem to do that when they have a gun pointed at them. It makes them think twice."

The CHP purchased the Tasers at the end of last year after completing a six-month trial run in four districts – Oakland, Stockton, South Los Angeles and a portion of Sacramento called the Capitol Protection Section.

The Sheriffs Department began equipping all of its stations and substations with Tasers in 2005 soon after deputies shot and killed three men in Vista within a five-day span. Other departments, such as San Diego and National City police, have carried Tasers for several years.

Some groups have raised concern over the weapon's safety, especially when used on people with drugs or alcohol in their systems.

According to a report by the American Civil Liberties Union, 148 people in the United States and Canada died after

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Friday, February 8, 2008

Last modified Thursday, February 7, 2008 9:05 PM PST

Sheriffs Department urges drivers to heed new laws

By: North County Times -

Motorists should be aware of several transportation laws that took effect at the start of this year and prepare for more that will take effect July 1, the San Diego County Sheriffs Department said Thursday.

The new laws effective Jan. 1 are:

- It is illegal to shield a licence plate with any border, case, device or spray so that a toll road device or red light camera cannot read it;
- Any bicycle used after dark must have lights, even on a sidewalk or bike path;
- It is illegal to smoke with a minor in the car, even when the vehicle is parked.

New laws that will take effect July. 1:

- Using a wireless telephones while driving is illegal. Drivers must use hands-free devices.
- It is illegal for drivers under 18 to use any wireless telephone and/or mobile service device while driving, even if it is hands-free.

More Metronews

Deadly force not an issue for deputies in 2007

Officials cite less-lethal tactics, training since '05

By Kristina Davis  
UNION-TRIBUNE STAFF WRITER

February 11, 2008

After a spate of fatal shootings in 2005, the Sheriff's Department faced an onslaught of public scrutiny and criticism over its use of deadly force.

Last year was different: There were zero deputy-involved shootings in 2007.

Sheriffs officials say the change is likely the result of a combination of factors, including arming nearly every deputy with a Taser and developing more training on all types of force.

A lot of luck also helps, Undersheriff Bill Gore said.

"You never know. A deputy could pull someone over tonight at 6 and unfortunately have to use lethal force," Gore said. "The situation just hasn't presented itself, fortunately."

The last time the department went a year without a shooting was in 1996.

Gore said a year without using deadly force is an accomplishment for a department that serves an estimated 900,000 people and patrols about 4,200 square miles.

"I think it speaks to the training and caliber of the deputy sheriffs we have out there," he said.

The San Diego Police Department shot 11 suspects last year, according to the District Attorney's Office, which investigates all police shootings in which someone is injured. Oceanside police and the California Highway Patrol shot one suspect each, and Chula Vista police shot three.

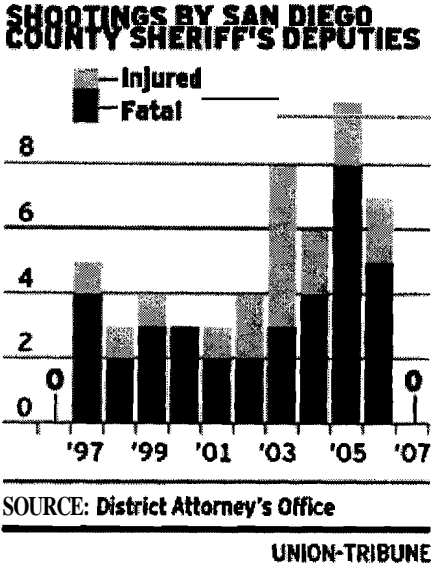
"In a perfect world, we'd love to have people comply so that doesn't have to happen," San Diego police spokeswoman Mónica Muíoz said. "No department wants to have officers involved in shootings."

Officers in San Diego also must deal with a larger and more compact population, an influx of visitors and, until recently, beaches where alcohol flows freely, Muíoz said.

"There are so many violent individuals out there that we don't even draw our gun on," she said. "That number compared to the number of shootings would be astronomical."

Muíoz said less-lethal weapons, such as beanbag guns and Tasers – which deliver an electric shock to incapacitate a suspect – have been used by the department for several years and have prevented numerous officer-involved shootings.

The Sheriff's Department began buying Tasers at the end of 2005, shortly after deputies in Vista fatally shot three Latino suspects within a five-day span.



The shootings sparked outrage in the community and prompted the department to hire an outside agency for a comprehensive review on its use-of-force policies. The District Attorney's Office ruled the shootings justified a year later.

Gore said at the time that the department began considering buying Tasers a year before, and the push to purchase them was not based on the three shootings.

Today, nearly every deputy carries a Taser when on patrol. **An** additional 300 stun guns have been ordered as the department begins arming some deputies in the jails and courthouses.

"I'm convinced there were probably situations that had we not had a Taser, (it) could have developed into a use of lethal force situation," Gore said.

Often the threat of a Taser will stop a suspect.

"They may be intoxicated and angry, but they have a memory of how painful something like that can be. It's psychological," said sheriffs Lt. Dave Moss, director of the San **Diego** Regional Law Enforcement Academy.

**As** deputies were issued Tasers, they also were required to go through a three-day training program on all types of force. The training included practical scenarios and taught deputies what type of force to use in different situations.

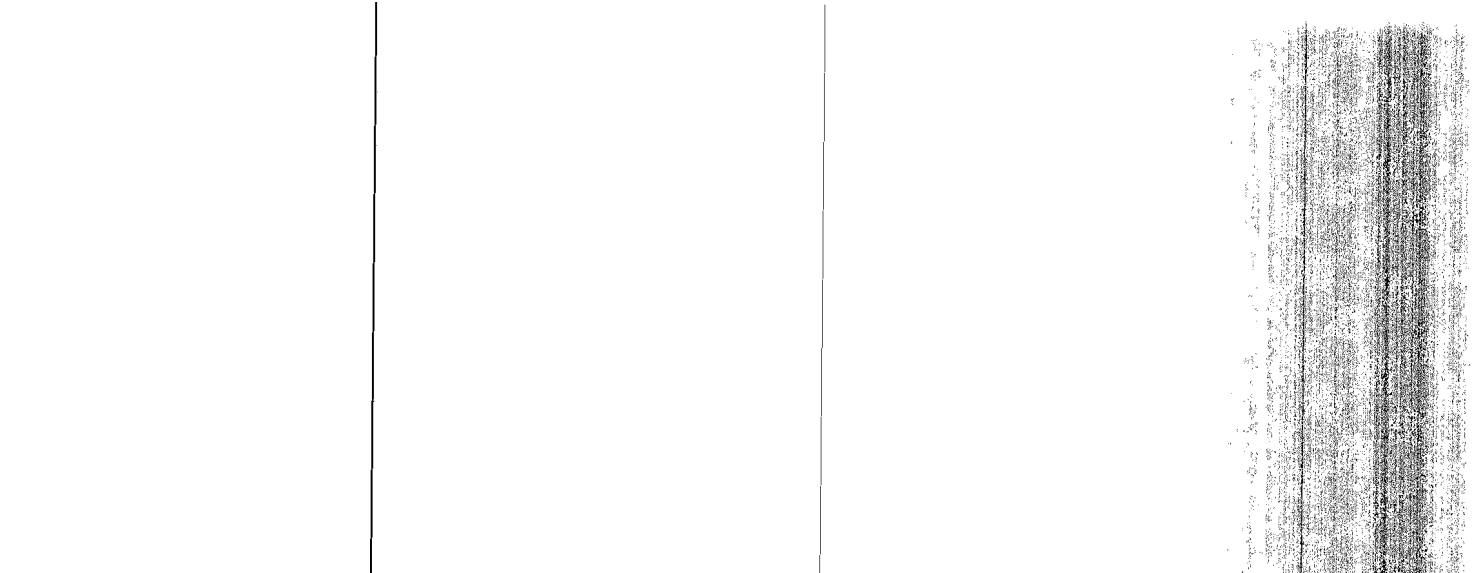
"It's pretty intense and very helpful to deputies," Moss said.

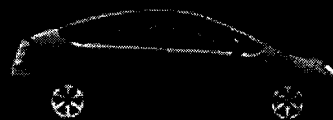
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From the Los Angeles Times

## LAPD can't police itself, audit charges

**Internal affairs mishandled complaints about allegedly abusive officers, review finds. Deputy chief says that despite high volume of cases, unit reaches proper decisions.**

By Joel Rubin

Los Angeles Times Staff Writer

February 12, 2008

Los Angeles Police Department investigators routinely fail to fully investigate citizens' complaints against allegedly abusive officers, often omitting or altering crucial information in ways that help exonerate the officers, according to a report to be released today.

The 34-page report by the Police Commission's inspector general raises questions about the department's ability to police itself, adding to still-unresolved problems highlighted in previous reports.

The audit, which is expected to be presented to the civilian Police Commission today, examined how 60 complaints filed against officers in recent years were handled by the officers' supervisors and investigators in the department's internal affairs group. In 29 of the cases -- nearly half of the time -- it found some sort of flaw, including investigators who inaccurately recorded statements and failed to interview witnesses or identify accused officers. In some cases, investigators failed to address allegations of misconduct at all. "We are always concerned about the quality of our investigations," said Deputy Chief Mark Perez, head of internal affairs. "We take these findings very seriously."

Although Perez said the report's findings would be used to improve training of internal affairs officers, he dismissed the notion that the report amounted to a serious indictment of the quality of complaint investigations. Mistakes may be made, he said, but they rarely, if ever, affect the decision of whether to discipline officers.

"With the volume of cases we get each year, we cannot spend an infinite amount of time on every complaint," he said. "We make judgment calls that someone second-guessing us afterward might not like. . . . But I have a very high level of confidence that the adjudication at the end is right."

Inspector General Andre Birotte declined to comment on the report. But in it, he wrote that the issues raised "are essential to maintaining the integrity of the complaint process."

In several of the cases reviewed, Birotte and his staff indicated that the investigators' conclusion that the accusations against officers were "unfounded" would have been different if the investigations had been handled better.

In one complaint about excessive force, a witness said in a tape-recorded interview shortly after the incident that there had been too many officers surrounding the man to get a good view of what happened. But in their report, the internal affairs officers paraphrased the witness' comments much differently, writing that the man "had a clear and unobstructed view and did not see or hear the alleged acts occur." Problems with paraphrasing in this case and several others, the report found, were the reason the officers were ultimately absolved of any wrongdoing.

<http://www.latimes.com/news/local/crime/la-me-complaint12feb12,1,2679261,print.story?ctrack=4&cse...> 2/12/2008

Perez acknowledged the shortcoming, saying that paraphrasing accounts by witnesses and complainants is "as much an art as a science" and one of the hardest skills to teach investigators.

In another case, two men said they were injured -- one suffered a broken or badly sprained elbow -- by a group of officers using excessive force while trying to break up a party.

The report faulted investigators for failing to interview two witnesses or retrieve any of the documents on file about the incident. Investigators failed to identify any of the officers involved in the altercation and did not include any photographs of the injuries the accusers sustained -- a basic component of an excessive-force complaint.

Birotte noted in his report that he had found deficiencies in the complaint investigations in previous audits and criticized the department for not implementing reforms.

Typically, police officers who become members of internal affairs receive a five-day training course on how to conduct investigations. Complaints are usually filed with a sergeant at a local police station who conducts interviews and passes the claim to internal affairs. Internal affairs handles the more serious cases -- several thousand each year.

Connie Rice, a civil rights attorney who has played a leading role in pressing the department to reform, said that such problems would persist until the LAPD stopped cycling officers into internal affairs and back into the regular force.

"You cannot ask police to investigate their buddies and friends," she said. "We've got the wrong paradigm for vigorously pursuing complaints."

Perez strongly disagreed with Rice. "It's a myth that police cannot police themselves," he said. "We have a tremendous interest in not keeping bad cops around."

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Cameras Turn Lens on Police Activities  
February 14th, 2008

ANNIE LINSKEY, Sun reporter  
The Baltimore Sun

Drive though some Baltimore neighborhoods at night and it quickly becomes obvious: The blinking blue-light cameras show the police are watching.

But the police also are being watched.

Citizens armed with cameras - even in their cell phones - are filming officers in action, sometimes with unflattering results.

Officer Salvatore Rivieri found that out this week when a video of the 17-year veteran berating a skateboarder at the Inner Harbor was posted on the Internet site YouTube. The officer was suspended, pending an internal investigation.

Some police officers don't like the new reality that they can be under surveillance by the citizenry.

"I think that cops are terrified of video cameras," said Peter Moskos, a former Baltimore police officer who is now a sociologist at John Jay College of Criminal Justice in New York. "I think the end result is cops will police a little more carefully."

Baltimore police officers are supposed to behave exactly the same whether or not a video is running, said Sterling Clifford, a police spokesman. "Ideally, it would not mean anything," if a video camera were running, Clifford said.

But the spokesman noted that an increasing number of complaints forwarded to the department's Internal Investigation Division are accompanied by video clips. "It does mean that there is a lot stronger evidence, when there are complaints against officers," he said. "It can also mean there is exculpatory evidence."

Sterling said that the incident with Rivieri and the skateboarder has convinced the police commissioner that more training is necessary. The video shows Rivieri verbally abusing the young man and putting him in a headlock to force him to the ground.

In most cases it is perfectly legal to videotape police, and law enforcement experts say the practice is good for the community.

"I have seen videotapes of police officer saying, 'You can't videotape me,'" said David Rocah, a staff attorney with the American Civil Liberties Union of Maryland. "It is absolutely 100 percent crystal-clear that any citizen has the right to videotape a police officer as they go about their business."

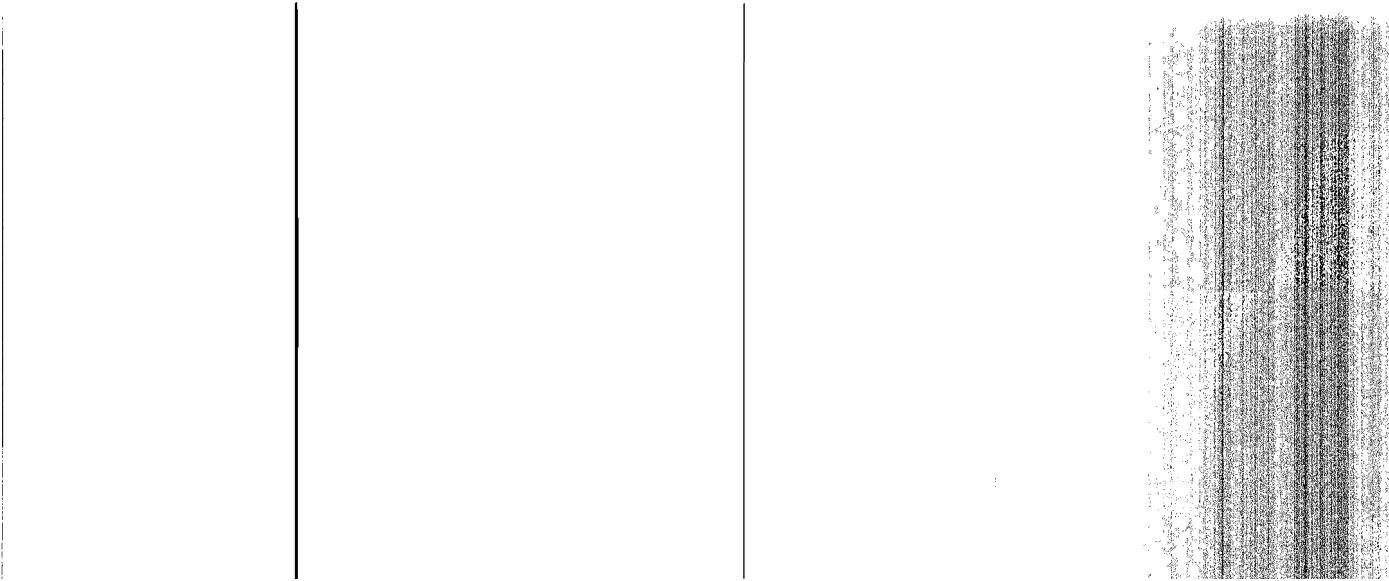
Rocah noted that around the country a number of police departments have installed dashboard cameras on patrol cars; he said the tapes can protect citizens and at times also shield officers from false accusations.

But officers do have some reasons to fear the lens. Recently retired Lt. Frederick V. Roussey said that in his 29 years on the force he used to encounter suspected gang members who would walk up to his officers and take pictures of them with their cell phones.

"If I had someone doing it, I would go over and grab the phone," he said. "It would be like, 'No way.'" Roussey said he feared that gangs were compiling electronic hit lists of officers.

Clifford, the police spokesman, noted that citizens cannot interfere with undercover police work or use a camera to incite a crowd.

But homemade videos have embarrassed the department in the past. In November 2006, a group of young men, many with drug records, started using video cameras to keep tabs on officers in their West Baltimore neighborhood. One member of the group, Freddie Curry, captured a police officer arresting his uncle and pushing him to the ground.





In that case an arrest was made, but charges were later dropped after prosecutors viewed the videotape and saw discrepancies between what it showed and what was written in the police report.

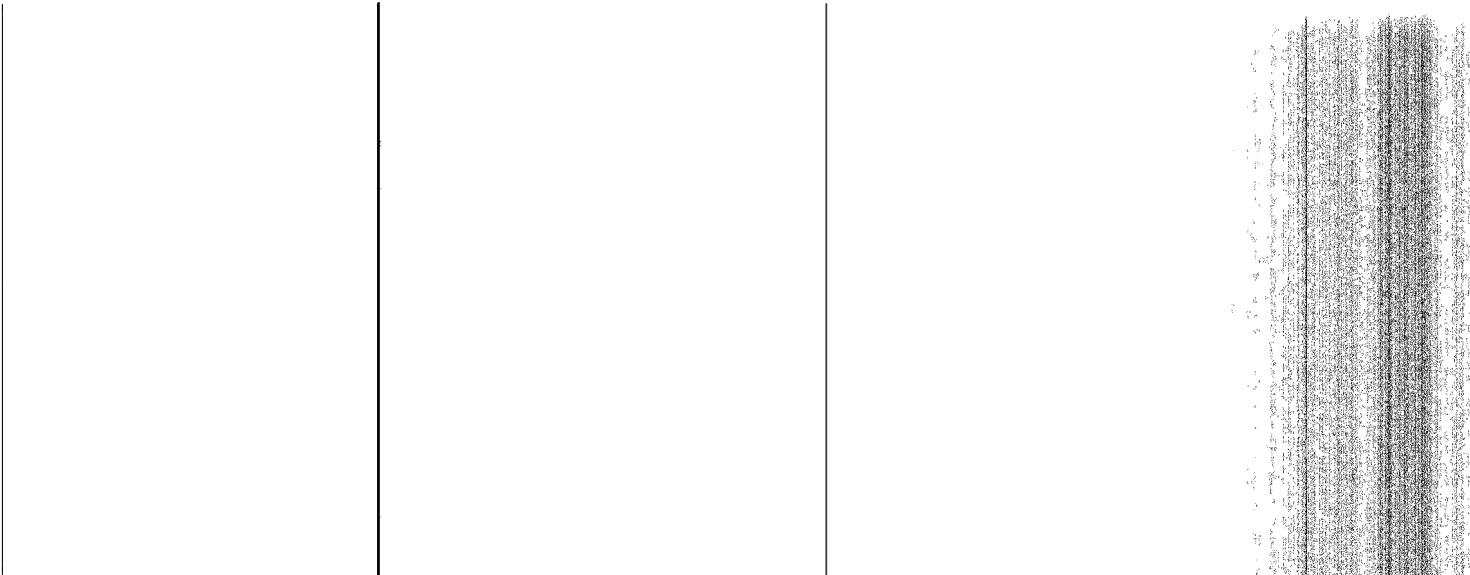
In 1997, Officer Charles M. Smothers shot and killed James Quarles III outside Lexington Market.

A. Dwight **Pettit**, the attorney for the Quarles family, said the existence of a videotape taken by a bystander played a significant role in persuading city attorneys to settle a wrongful-death lawsuit for \$500,000.

"We brought a big video in the courtroom on a big screen," **Pettit** said. He said he planned to show the tape as often as the judge would allow.

Smothers was dismissed from the department after investigators learned that he was improperly on duty while also on probation for a domestic-violence charge. Prosecutors did not charge him with a crime.

And, whether police are videotaping citizens, or vice versa, it is critical to keep context in mind. "The camera's perspective is always limited," Clifford said. "There is always the before and after you see on tape."



From the Los Angeles Times  
O.C.'s acting sheriff calls for jail shake-up  
He proposes replacing the deputies in the scandal-plagued system with career  
correctional officers.  
By Stuart Pfeifer and H.G. Reza  
Los Angeles Times Staff Writers

February 15, 2008

Orange County's acting Sheriff Jack Anderson on Thursday proposed pulling hundreds of deputies from the state's second-largest jail system and replacing them with career correctional officers.

The move, which would dramatically change the way Orange County jails are operated, would create a new career path in the Sheriff's Department: employees who are permanently assigned to the county jails. For decades, deputies have spent the initial portion of their careers -- sometimes eight years or longer -- in the jails before moving to patrol or other assignments.

The proposal comes amid a number of scandals -- and a grand jury investigation -- involving management of the jails. The county recently agreed to pay \$600,000 to resolve a lawsuit filed by the family of John Chamberlain, an inmate who was beaten to death in 2006. The lawsuit alleged that a deputy falsely told an inmate that Chamberlain was in custody for child molestation, prompting inmates to attack him, and that deputies ignored Chamberlain's cries for help.

In January, The Times reported a second case in which a video showed Orange County deputies apparently hitting a prisoner on the head while he sat passively on a bench, then repeatedly shocking him with a Taser after he was handcuffed, even after the inmate had been strapped into a restraint chair.

A county grand jury has been hearing testimony about the department's management of the jails for several months, focusing particular attention on Chamberlain's death, according to several sources familiar with the investigation.

Anderson said his proposal was motivated entirely by the cost savings that could be achieved by replacing deputies with professional jailers, not allegations of misconduct within the jails. Because correctional officers will be paid about half of what deputies are paid, the proposal would save the county \$26 million to \$34 million per year, he said.

"How could you not support it? We're saving tens of millions of dollars a year," Anderson said.

Anderson can expect strong opposition to his proposal from the deputies union.

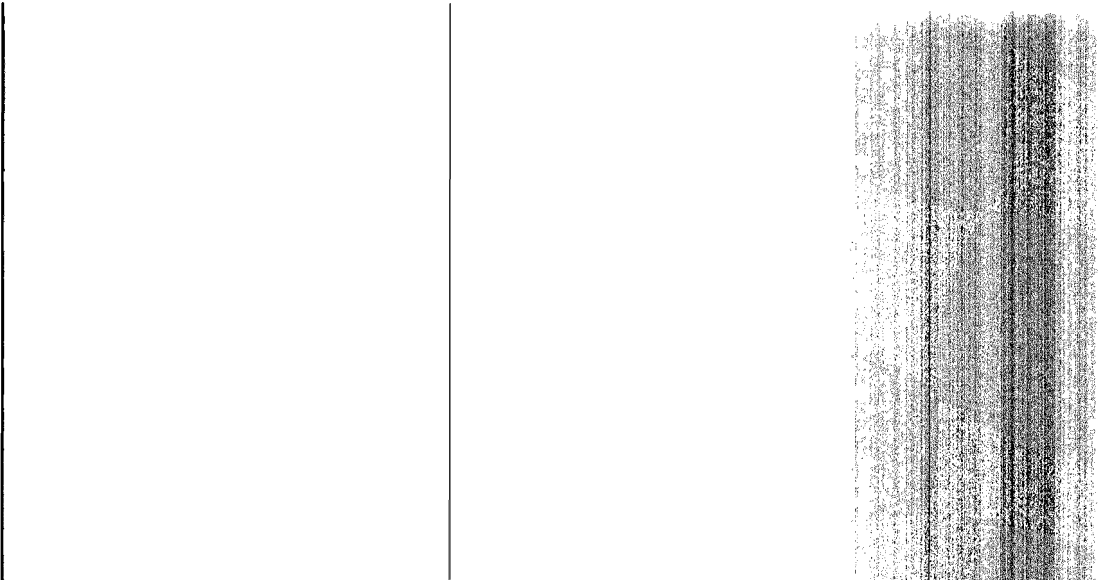
"I challenge the acting sheriff to show how hiring less-qualified, less-trained personnel, and personnel with questionable backgrounds, will make our custody inmates safer and the surrounding communities safer," said Wayne Quint, president of the Assn. of Orange County Deputy Sheriffs. "Public safety is going to be negatively impacted. You get what you pay for. We've had some incidents in our jails, but overall our jails are among the safest in the country."

The Sheriff's Department deploys about 775 of its 1,900 sworn deputies in its jails, which hold roughly 6,400 inmates. Only Los Angeles County has a higher inmate population.

If the Orange County Board of Supervisors approves the proposal, the department could begin hiring the first correctional deputies within six months, Anderson said. The department would for several years hire only lower-paid correctional officers, who would replace the deputies as they moved to patrol and other assignments, Anderson said.

The idea has worked in San Diego and Riverside counties, Anderson said. He said he'd assembled a committee to study how the transitions were done in those counties. The challenge for the department will be finding quality recruits willing to work for salaries far less than deputies are paid, he said.

Board of Supervisors Chairman John Moorlach said he had grown concerned about allegations of misconduct by sheriff's personnel in the jails. Supervisors recently voted to create an Office of Independent Review, which would monitor investigations of alleged misconduct by deputies.



"As we go through the process of picking a new sheriff, I think the winning candidate should be prepared to make some cultural changes in the jail," Moorlach said. "The Chamberlain case shows something different has to be done."

He said Anderson's proposal made sense, in part because it would mean that the jails would be staffed with employees who wanted to be there, rather than with deputies waiting years for patrol assignments.

The use of correctional officers has worked well in San Diego and Riverside, officials in those counties said. Sheriffs departments in those counties have used correctional officers for 20 years or more.

Lt. Phil Brust, a San Diego County sheriffs spokesman, said correctional officers go through a three-month detention academy as opposed to the six-month program for patrol deputies.

"They are specifically trained in dealing with inmates and keeping the jail running," Brust said.

The Riverside County Sheriffs Department has used correctional officers for 28 years, said spokesman Sgt. Dennis Gutierrez. He noted, however, that 30% of the jails' staff are deputies, who spend about three years on jail duty before transferring to patrol. The academy training for correctional officers is geared toward running the jails.

Jail consultant Allen Beck said a difference in training received by correctional officers versus deputies could lead to fewer confrontations between staff and inmates.

"There are two major differences in the culture of deputies and correctional officers. One's a catcher and the other's a keeper," said Beck, who has consulted for the U.S. Department of Justice and counties nationwide.

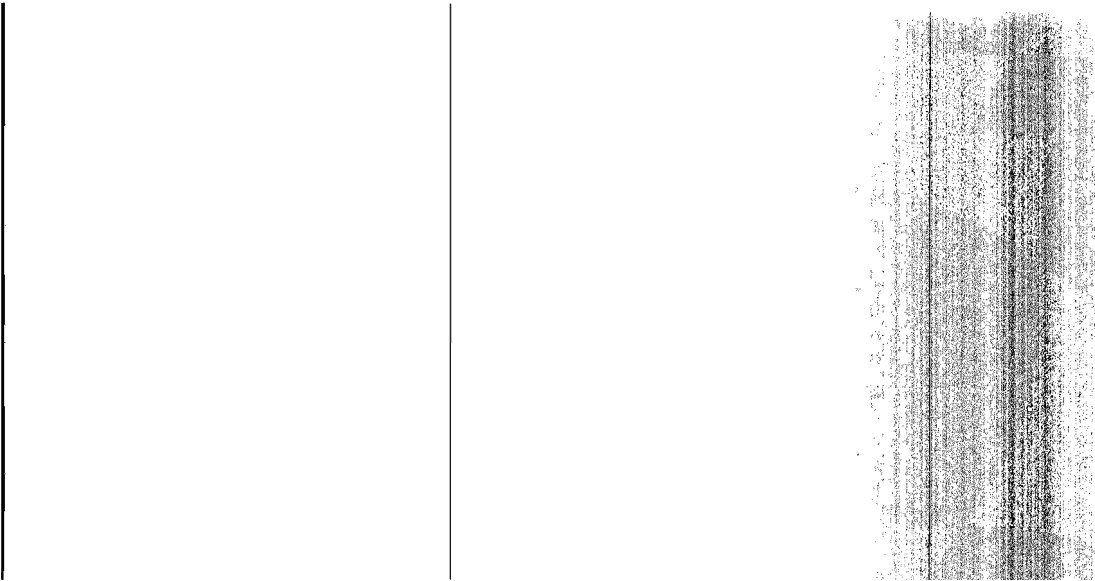
"The role of deputies from their training is how to be a law enforcement officer. That training ends when they bring someone to jail.

"Correctional officers need to know behavior management and how to classify people when they are brought to jail. They are specialized by job function, but all of them will be managing behavior. If [Anderson] is going in this direction it's the right way to go because it raises the professionalism of his staff."

Orange County is in the midst of a nationwide search to hire a replacement for former Sheriff Michael S. Carona, who resigned in January while awaiting a federal corruption trial. Anderson is serving as interim sheriff until the Board of Supervisors appoints Carona's successor.

Moorlach said he would not be opposed to Anderson, as acting sheriff, implementing such a significant change in the department.

"If it's a good idea, why wait?" he said.





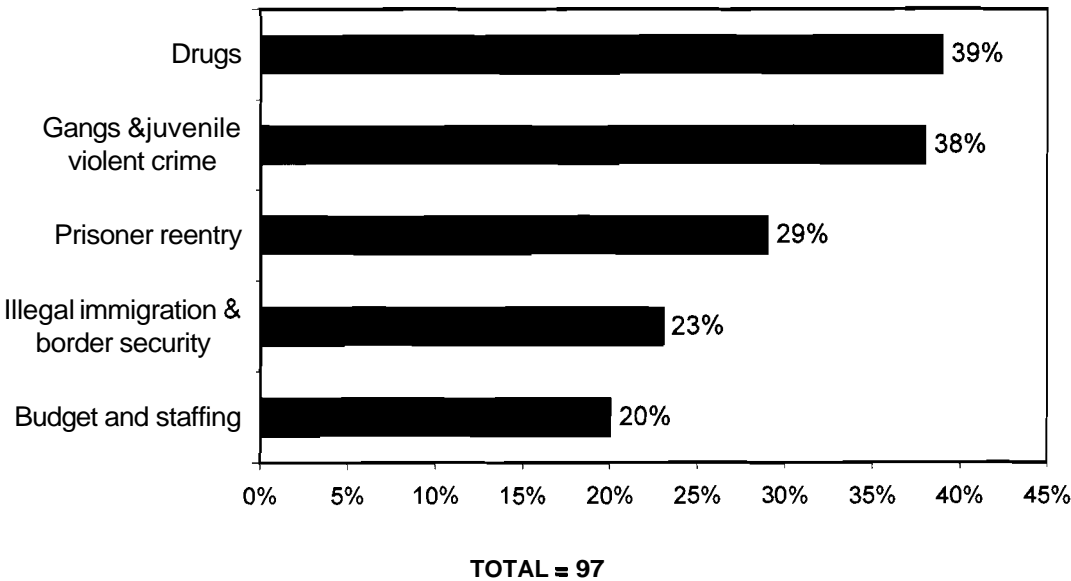
**Local Stakeholders Identify Top Public Safety Issues for the San Diego Region**

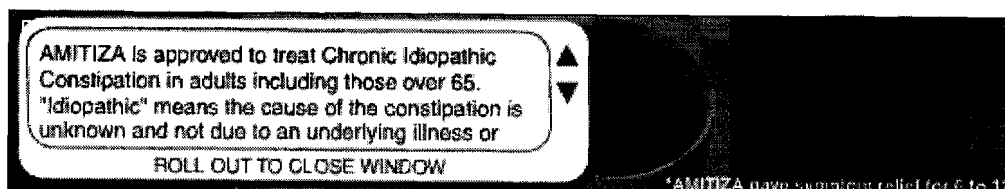
In late 2007, the Criminal Justice Research Division (CJRD) surveyed Clearinghouse stakeholders (which include collaborative partners and individuals and groups who access or utilize CJRD information and data). The primary goal of this survey was to learn how CJRD products were received and what additional types of information would be useful to practitioners and policy makers across the region. In addition, an open-ended question was included on the survey which asked respondents:

**"In your opinion, what are the top three criminal justice issues for the San Diego region in the upcoming ten years?"**

As Figure 1 shows, the top five responses to this question related to the issues of drugs, gangs and juvenile violent crime, prisoner reentry (from jails and prisons back to the communities), illegal immigration and border security, and law enforcement budget constraints (and difficulty maintaining staffing). During the remainder of 2008, the CJ Faxes distributed by the CJRD will focus on these five areas in particular, providing information about what we know at the national level on these issues, as well as how this applies on a local level. To learn more about recent SANDAG studies in these areas, please visit our Web site at [www.sandag.org/cjc](http://www.sandag.org/cjc).

**Figure 1  
TOP FIVE CRIMINAL JUSTICE ISSUES FOR THE SAN DIEGO REGION IN NEXT DECADE**



**Los Angeles Times**

<http://www.latimes.com/news/local/crime/la-me-ocsupes27feb27,1,485416.story>

From the Los Angeles Times

## O.C. officials OK sheriff's watchdog

Supervisors approve an agency to provide civilian oversight of the department, including reviewing complaints of misconduct.

By Christian Berthelsen

Los Angeles Times Staff Writer

February 27, 2008

Orange County supervisors Tuesday gave final approval to a plan to create a civilian oversight agency that will review misconduct complaints against county law enforcement officers, capping months of planning to establish it.

The plan, put forward in May by board Chairman John Moorlach, creates a review board modeled on one used in Los Angeles County to take citizen complaints, investigate deaths and serious injuries involving Sheriffs Department personnel, and examine all deaths in custody.

The board voted to move forward with the idea last spring, over the opposition of then-Sheriff Michael S. Carona, Dist. Atty. Tony Rackauckas and the union representing sheriffs deputies.

But over the last several months, opposition was winnowed down. Carona left office after his indictment on federal corruption charges, and his replacement, acting Sheriff Jack Anderson, has supported the plan.

The concept was also narrowed: Though it once would have covered all county law enforcement personnel, the final version covers only the Sheriffs Department, leaving out probation officers and personnel of the district attorney's office. It also gives the unions representing peace officers a say in the selection of the agency's executive director.

"We've given them a seat at the table," Moorlach said.

The motion was approved unanimously Tuesday without debate or discussion.

The Office of Independent Review, as it will be called, is expected to cost \$750,000 a year for staff.

It will provide periodic reports to the public on use-of-force reviews, help guide internal-affairs investigations in the Sheriffs Department and review department policies, in addition to the main duties of handling complaints and conducting investigations. The agency will not have subpoena power.

Supervisors directed county staff to find a lawyer who would work as the agency's executive director on a contract basis and to come back with a proposed agreement in 60 days.

One possible candidate is Mike Gennaco, who is executive director of Los Angeles County's Office of Independent Review and helped Orange County develop its model for the oversight function.

Gennaco works for Los Angeles County on a contract basis, which theoretically would allow him to accept a contract to serve Orange County as well, though they are both full-time jobs.

<http://www.latimes.com/news/local/crime/la-me-ocsupes27feb27,1,283982,print.story>

2/27/2008

Gennaco declined to comment on whether such an arrangement was under discussion but said, "I'll continue to work with [Orange County] to any degree I can."

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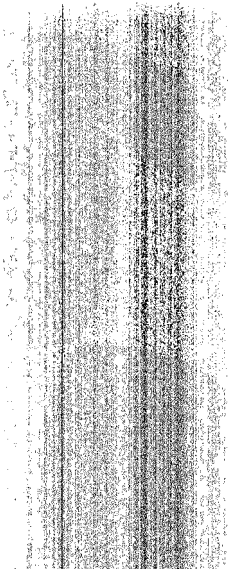
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More Metro news

# Some crimes now reportable via Sheriff's Web site

UNION-TRIBUNE

11:13 a.m. February 28,2008

SAN DIEGO – The Sheriff's Department has launched a new way for victims to report some types of non-emergency crimes via the sheriff's Web site.

The department's new e-crime reporting system is accessed by logging onto **www.sd.sh.e.riff.net**.

Types of crimes that may be reported through the system include thefts, vehicle burglaries, vandalism, lost property and harassing phone calls.

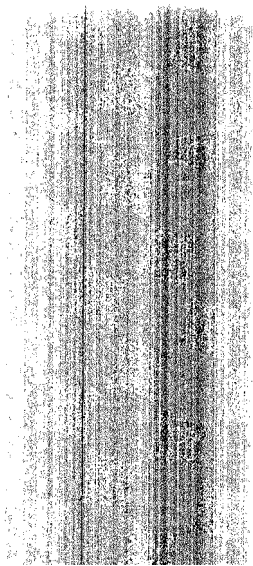
A valid e-mail is required to fill out an online report. The victim can then print out a copy to keep or submit to an insurance company for their records.

Some crime reports must be filed with a deputy. Those includes crimes with suspect information, witness information or physical evidence; auto or boat theft; identity theft; lost government identification, such as a passport or driver's license; and crimes in progress. Those reports can be filed by calling the Sheriffs Department at **(858) 565-5200**.

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# NACOLE

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NATIONAL ASSOCIATION FOR CIVILIAN OVERSIGHT OF LAW ENFORCEMENT

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Winter 2008

## Cincinnati to Host 14th Annual Conference October 26 - 30

**N**ACOLE IS PLEASED TO ANNOUNCE that its 14th Annual Conference will be held October 26-30th in Cincinnati, Ohio. Speakers from throughout the United States and from other countries will address and explore a wide range of issues surrounding citizen oversight.

We are very fortunate to be working with Cincinnati's Citizen Complaint Authority and its Director, Kenneth Glenn, whose investigative staff have long and diverse backgrounds in law enforcement and the

criminal justice system, and whose seven-member civilian board represents a cross-section of the community. We will also draw on Cincinnati's experience as an agency that grew out of a Department of Justice Memorandum of Understanding and a Collaborative Agreement. We are working closely with them to showcase our host city with additional events outside of the normal schedule. Since

**Please turn to  
"Cincinnati,"  
page 7**



A An evening view of the Contemporary Art Center in Cincinnati

## Finding the Middle Ground: A Collaborative Approach to Oversight in Los Angeles County

by Stephen Connolly

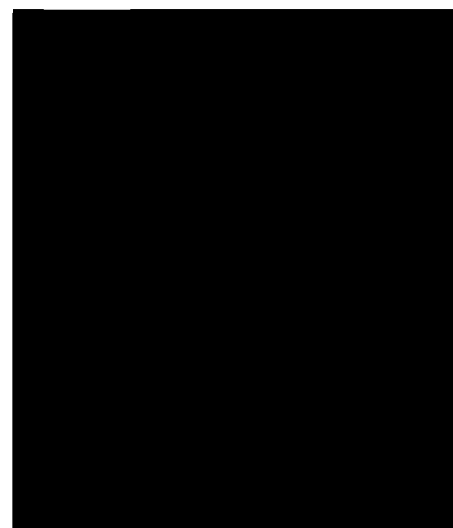
**T**HE "WATCHDOG" has emerged over the years as the unofficial mascot of citizen oversight. It's an image that makes sense for obvious reasons, but all that barking and snapping at the heels of wayward peace officers is really only one way for a monitor to make a positive contribution. The OIR model is consciously a collaborative one: independent lawyers working *with* the Los Angeles County Sheriff's Department to make sure that its own review systems are serving the public effectively. We bring an



▲ Author Stephen Connolly (left), and the director of the Office of Independent Review, Michael Gennaco (right).

outsider's perspective to LASD's internal investigations, decision-making, and systemic

**Please turn to  
"Middle  
Ground," page 7**





# Greetings From the President

by Dr. Eduardo I. Diaz



SOME OF YOU ALREADY KNOW that the theme of my presidency is *"growing the movement."* Because this can only be done with team work, I am happy to report that your board of directors is full of team players who are willing to work hard, confronting all challenges with compassion and energy.

Past-President Pierce Murphy made us proud by appearing as a representative of NACOLE on CNN with Anderson Cooper in October to discuss recent videotaped instances of alleged police misconduct that had received national attention. President-Elect Phil Eure continues to chair our Strategic Planning Committee and has put an incredible amount of energy into that role, preparing the groundwork for NACOLE to apply for grants that will allow the organization to hire full time staff and help the police accountability movement grow in the U.S. Charlie Reynolds is a superb Secretary who records everything, even the time we enter

the board conference call if we are a minute late. And, our treasurer, Richard Rosenthal, keeps us current, paying our bills and investing what is left wisely.

Board members work hard on a variety of tasks and projects. Andre Birotte, serving as chair of Finance Committee Chair, keeps his eagle eye on our financial status, and also serves on the Conference Committee. Kelvyn Anderson does a remarkable job heading up our Communications Committee and maintaining our listserv and **website**. NACOLE is gearing up for the exciting unveiling of its significantly redesigned **website** this winter.

The task of leading the Outreach Committee is performed by Carol Scott, ably assisted by our new board member, Shirley Wayne Washington. Sam Pailca oversees the effort to publish this newsletter and co-chairs the Professional Standards Committee with Jayson Wechter, our newest board member and Conference Committee Chair. What a team!

This group is supported by Cameron Smith, a dedicated and hard working Conference Coordinator who supports the board in a number of ways. We are fortunate to have her work for the board and the membership, as Cameron consistently goes above and beyond the call of duty.

I can only serve as the president of NACOLE because of the incredible support I get from the members of Miami-Dade County's Independent Review Panel. They also deserve recognition for all of the volunteer hours they put in and for encouraging me to take on this charge.

Please take some time to contemplate how you can help NACOLE grow the movement. Email me your ideas! ( [diaz@nacole.org](mailto:diaz@nacole.org) )

*Dr. Diaz is the president of NACOLE's board of directors. He is also the executive director of the Miami-Dade County Independent Review Panel.*

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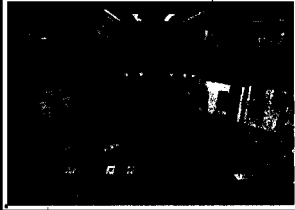
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# Policy Recommendation Corner

## Reform Efforts Can Lead to Better Policing, Greater Trust

ONE OF THE IMPORTANT functions of citizen oversight is to provide police executives and elected officials with thoughtful proposals for police reform. Continuous improvement in police policy, as well as in training and supervision that support reform efforts, will enhance the delivery of police services and reduce the likelihood of injuries to citizens and police officers alike. Successful implementation of new policies can also build greater trust between law enforcement agencies and the communities they serve. Below are examples of recent policy recommendations developed by oversight agencies in Boise, Seattle and Washington, D.C.

### Boise, Idaho

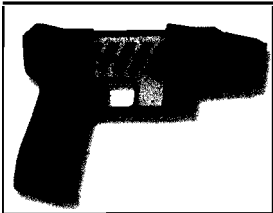
POLICY RECOMMENDATIONS ARE part of the community ombudsman's responsibilities in Boise. Many such recommendations flow from specific complaints incidents the office investigates, or from a cluster of cases. Others are the result of a decision to study a particular police practice.

In 2006, the community ombudsman and Boise's police chief decided to study the use of Tasers (conducted energy weapons) by Boise officers and to look for best practices. A team of employees from both agencies joined together to analyze the data, research what others were doing, and offer recommendations.

As a result of this study, significant improvements were made to the policy and procedures governing the use of Tasers by Boise police officers, and to the training they received. One significant change was to prohibit the use of tasers in instances not involving physical aggression or active physical resistance, and to limit their use against highly vulnerable persons such as the very young, the elderly, and pregnant women. In addition, policy now encourages officers to consider the use of a Taser instead of deadly force when time and circumstances permit.

For more information about this policy recommendation and others issued by Boise's Office of Community Ombudsman, please visit the agency's website at: [www.boiseombudsman.org](http://www.boiseombudsman.org)

- Pierce Murphy



▲ A standard issue Taser gun.

### Seattle, Washington

SEATTLE'S OFFICE OF PROFESSIONAL Accountability (OPA) has direct responsibility for the investigation and mediation of citizen complaints, and issues reports to the public each month on closed case activity and complaint statistics. From the beginning, though, the OPA believed that the best way to improve police practices and police-community relations was through policy review and encouraging strong police supervision.

In January 2007, OPA issued a report on use of force complaints made over a three-year period, 2003 through 2005. The purpose of the review was to look for recurring themes and patterns, and to identify opportunities for improvements in policy, training, supervision, outreach and education.

The review of 268 force complaints identified several major findings: (1) a significant number of complaints involving multiple officers; (2) few complaints involved substantial force and/or injury; (3) escalation of incidents by officers; (4) a rise in complaints in which no force was reported by the officer; (5) a notable number of complaints of force while in custody; (6) a high proportion of complaints about force made by citizens of color; and (7) issues related to use of tasers.

The report outlined major recommendations in the area of race and use of force, which included a call for Seattle to release information about the study of traffic stops and searches and for the city to develop a long-term response to issues involving race and policing. The report further outlined a series of proposals recommending development of a protocol that calls for an on-scene response by OPA to critical incidents, noting that Seattle's practice of restricting the review of over 700 hundred force incidents per year to the officer's chain of command had not resulted in a single instance where a reviewing commander had found a policy violation, or referred an incident to OPA for further investigation.

For more information about this policy recommendation and others issued by Seattle's OPA, please visit the agency's website at: <http://www.ci.seattle.wa.us/police/opa/Default.htm>

- Sam Pailca

### Washington, D.C.

IN ADDITION TO INVESTIGATING, adjudicating and mediating citizen complaints against the police, the District of

Columbia's Office of Police Complaints (OPC) issues periodic recommendations for police reform.

In December 2005, the Metropolitan Police Department (MPD) released a study on racial and ethnic profiling in Washington, D.C. The MPD study involved collecting pedestrian stop data at five locations and gathering traffic stop data at 20 sites in the nation's capital.

In May 2006, OPC issued a report and set of policy recommendation calling for a task force made up of community representatives and officials from MPD



▲ Officers in D.C. line up for roll call.

and OPC to follow up on issues raised in the MPD study. MPD's profiling study had found, among other things, that African-American and Latino pedestrians who walk in or near some of the city's major tourist, shopping and entertainment areas risk being stopped at disproportionately high rates by police officers.

OPC proposed that MPD, with the input of the new task force, review the Department's policies and practices in the areas of hiring, training, supervision, and outreach in order to combat the practice or perception of biased policing. OPC also urged that the task force be charged with assessing MPD's anti-biased policing policy. In response to OPC's proposal, MPD has created a task force to examine these issues, giving members of the District's diverse communities an important stake in reviewing law enforcement policies and practices that affect fair policing.

For more information about this policy recommendation and others issued by OPC, please visit the agency's website at [www.policecomplaints.dc.gov](http://www.policecomplaints.dc.gov).

- Phil Eure

Pierce Murphy is the community ombudsman for the City of Boise. Sam Pailca, the former director of Seattle's Office of Professional Accountability, is a compliance investigations attorney with the Microsoft Corporation. Phil Eure is executive director of the Office of Police Complaints in Washington, D.C.

# 2007 CACOLE Conference in Historic Halifax, Nova Scotia

June 2008 Gathering to be Held in Regina, Saskatchewan  
by Robert Mitchell, QC

THE 2007 ANNUAL CONFERENCE of the Canadian Association for Civilian Oversight of Law Enforcement (CACOLE) was held in beautiful and historic Halifax, Nova Scotia, from October 10 - 12, 2007. The program featured sessions on a variety of topics related to oversight of law enforcement, and attracted participants from eight other countries, including NACOLE president Eduardo Diaz from the U.S.

Over the past year, three important public inquiries involving police accountability issues have taken place in Canada. One of these inquiries concerned the country's national security system. The other two public reviews centered on events that had occurred in the provinces of Ontario and British Columbia.

We were fortunate to have on our first panel two distinguished judges who headed those inquiries as well as a representative of the judge in the third

case. In a three-hour session, they described in detail their findings and the reasoning underlying their recommendations. Their reports are critical to the further evolution of citizen oversight in Canada, and sparked much discussion at the conference.

The conference also featured panels or speakers on choosing the appropriate dispute resolution

technique, First Nation oversight and the increasing use of tasers. Other sessions included a case study involving the wrongful dismissal of a police officer, the perspective of complainants in police misconduct cases, the Edmonton early intervention system and standards of proof. We also devoted a half day to international topics.

Delegates were treated to a dinner cruise aboard the tall ship "Silva," adding a bit of maritime spice to a very successful conference.

The 2008 annual CACOLE conference will be held in Regina, Saskatchewan, June 16 - 18, 2008. For more information about CACOLE and our upcoming conference, please visit our website at [www.cacole.ca](http://www.cacole.ca).

*Robert Mitchell, QC, is the president of CACOLE's board of directors. He is also chair of the Saskatchewan Public Complaints Commission.*



▲ CACOLE President Robert Mitchell (right) pictured with two conference attendees from Hong Kong.

## Crisis Intervention Training: Philadelphia Addressing the Needs of the Mentally Ill

by Kelvyn Anderson

IN THE WAKE OF A HIGHLY publicized fatal incident involving Amtrak police and a mentally ill homeless man in 2000, the Philadelphia Police Department re-wrote its policy on police contact with the mentally ill, emphasizing de-escalation and greater cooperation between police, behavioral health agencies and the public.

The Police Advisory Commission supported this change in policy, and former commission Executive Director Hector Soto testified at a City Council hearing in 2001 about complaints filed with the agency where mental health issues were the overriding factor for police response.

In 2004, the Commission joined police, behavioral health agencies and community groups in a full-blown effort to create a Crisis Intervention Training Program for Philadelphia Police, modeled on the best practices of cities around the U.S. like Memphis, TN, and Houston, TX.

The vision of Crisis Intervention Training, or CIT, is the reduction of the risk of violence and harm for police and for people with behavioral health disorders through training, education and collaboration among stakeholders.

Twenty to 25 percent of uniformed patrol cops from the East Division will complete a four-day training session that will teach them techniques to help relieve tense situations involving police and people who have mental illnesses.

Feedback from the training indicates Philadelphia officers, like the CIT trained officers in the Chicago Police Department, were especially moved by role-playing opportunities and frank testimony from mental health consumers and their families.

The Department also learned that choosing officers for participation in the program through a volunteer system, rather than random assignment, has resulted in a higher level of interest. The new CIT officers have become ambassadors for the program, and spread the

word throughout the department.

The program also highlighted the need for changes in behavioral health delivery systems, as more targeted responses by police and mental health workers frequently identify individuals who have "fallen through the cracks." It also taught the importance of training for 911 dispatchers who provide police with critical first response information.

While Crisis Intervention Training is already well-established best practice in many police agencies around the U.S., simply replicating existing models is not enough. Marshaling the support, resources and political will necessary to create or modify CIT in your jurisdiction requires recognizing the unique local character of laws impacting treatment and commitment, behavioral-health facility resources and personnel, and the experiences of mental health consumers and their families.

**Please turn to  
"CIT: Philly," page 7**

# NYPD's 'Stop and Frisk' Policies

## CCRB Says It's Not by the Numbers

by Andrew Case

FROM 2002 TO 2006, THE New York City Police Department reported a five-fold increase in the number of civilians stopped, questioned, and frisked, from just under 100,000 to over 500,000. The Civilian Complaint Review Board saw a similar dramatic increase in complaints stemming from these stops. While most analyses of this data have focused on racial disparities of those stopped, the fundamental question of what has fueled the increase in stops has yet to be answered.

Any examination of New York's Stop and Frisk policy must note fundamental changes made in 2001 to a form called the UF-250 form, which the Department uses to document stops. The form initially had a blank space in which officers wrote circumstances leading to stops and frisks. After a 1999 study of over 125,000 forms by the Office of the Attorney General found that only 61% of the reasons provided by officers met the legal standard for conducting a stop, the form was redesigned into a **checkbox** format. While the new form provides data that is easier to tabulate, officers are no longer required to write individualized reasons for their stops. Since the information provided by the new form is more limited, CCRB investigations into whether stops are justified have become even more important.

In its investigations, the CCRB substantiates allegations of "frisk" and "search" as misconduct twice as frequently as it does other allegations (CCRB 2006 status report, p 94 and 96). However, CCRB's sustained findings are no guarantee of discipline. In fact, starting in 2005, the NYPD began to systematically downgrade the discipline for stop, question, and frisk complaints, first by issuing officers "instructions" in cases similar to those in which officers had previously been given more serious penalties, and then by declining – at an

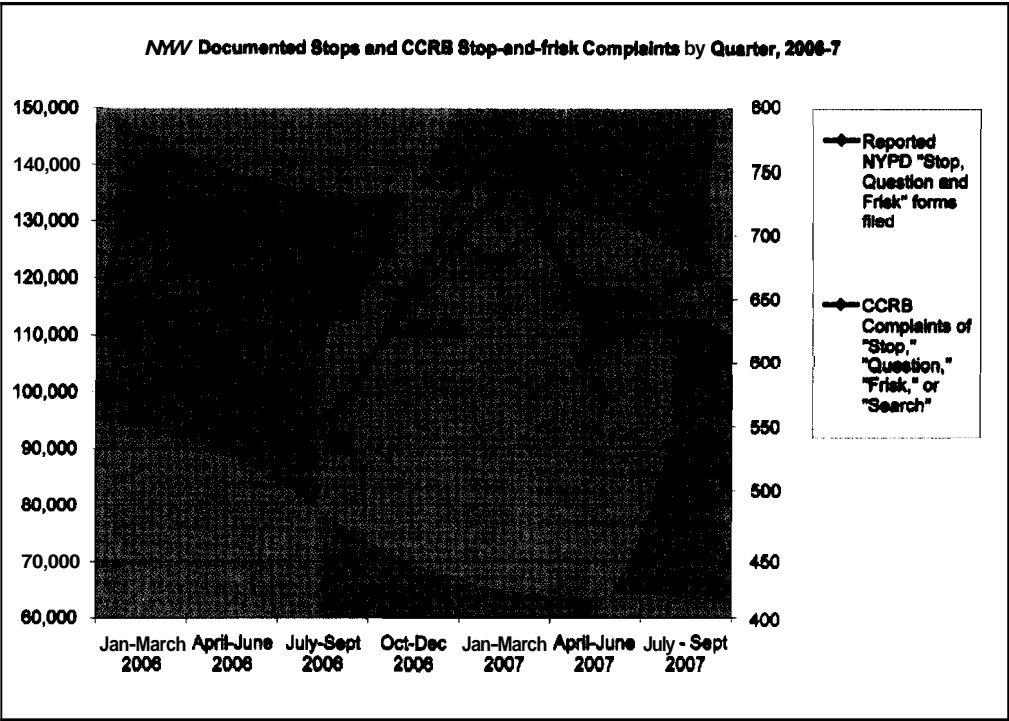
unprecedented rate - to penalize officers at all in these cases. The department has publicly stated that the CCRB has used faulty legal analysis of what constitutes "reasonable suspicion," which the board vigorously disputes.

In a recent report, Greg Ridgeway of the Rand Corporation noted that "NYPD's CompStat (statistical analysis) focus gives officers a strong incentive to generate UF-250s," since "{a}n officer's UF-250 numbers suggest productivity." Such strong incentive to conduct more stops, however, could encourage officers to lower the legal threshold for stopping someone. An emphasis on productivity stats, combined with the sharp decline in discipline for officers who conduct improper stops, appear to provide incentives for more frequent stops, even when the legal justification is questionable. The dramatic increase in stops

appears to bear out this theory.

NYPD's practice of rewarding the raw number of stops as a productivity measure does not take into account the results of the stops, i.e., whether contraband was recovered or an arrest was made, or neither. This emphasis on the numbers can have adverse public safety consequences, since stopping large numbers of people who turn out to be engaged in no unlawful activity erodes public trust in the police and may reduce cooperation with police investigations. Productivity measures ought to be carefully calibrated to measure officers' work without creating incentives for improper actions. Increased study can help determine better metrics for evaluating officers' stop-and-frisk practices.

Andrew Case is the spokesperson for New York City's Civilian Complaint Review Board.



# NACOLE's 13th Annual Conference in San Jose, CA Wins Praise

## Four-Day Event Draws 300 Participants

by Barbara J. Attard

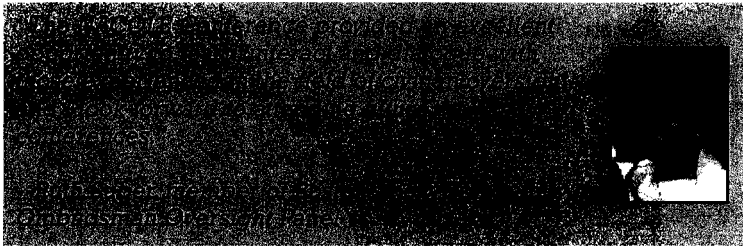
THE 2007 NACOLE CONFERENCE, "Transparency, Accountability, Integrity," held in San Jose, California, proved to be both a financial and popular success, exceeding expectations on all levels. Over 300 participants attended, hailing from 26 states and 13 countries.

The 50% increase in attendees can be attributed to many factors: the increase in citizen oversight agencies in the United States—several delegates attended from new and emerging oversight agencies; the large international delegation, inspired in part by the scheduling of a planning meeting at the conference for the development of an international association of civilian; the strong professional development sessions offered in the conference agenda; and the attractive location of the conference in San Jose, offering great weather, amenities, and convenience for domestic and international flights.

The conference opened with an oversight update presented by Eduardo Diaz, informing those gathered of news in the field – emerging US agencies, an overview of oversight organizations around the world, and the movement to establish an international association. Nuala O'Loan presented her informative and moving final address as the Ombudsman of Northern Ireland, her message bringing home the ability of oversight to make a difference in policing. Ms. O'Loan was presented a NACOLE "Outstanding Achievement in Oversight" award for her courageous and effective work. The evening concluded with a reception welcoming attendees and celebrating the diversity of San Jose with Mexican Folkloric dancers and Chinese Lion Dancers.

As in any gathering in which serious issues are discussed from diverse perspectives, some

panels stimulated controversy. The panel entitled, "Shifting the Balance—Copley Press and the Challenge to Oversight," featured oversight professionals and a police union



representative. While some delegates questioned the inclusion of young activists in the "Community Voice for Law Enforcement Oversight" panel, another praised the panel for having the "most real" discussion of issues he had seen at a NACOLE conference.



▲ The winning team in a treasure hunt created especially for the conference searches for clues leading to an overlooked remnant of San Jose's colorful past.

ACLU Executive Director Anthony Romero's inspirational keynote luncheon

speech underscored the importance of oversight in protecting civil liberties, citing

issues of concern throughout the United States. NACOLE "Legislative Champion" awards were presented to California State legislators Senator Gloria

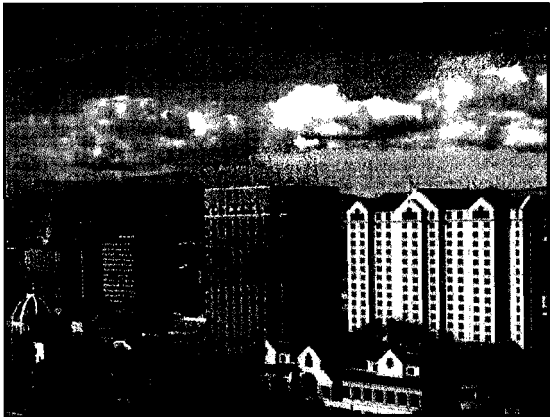
Romero and Assembly Member Mark Leno and to ACLU Police Practices Director Mark Schlossberg for their work on legislation to restore openness to citizen oversight agencies in California forced behind closed doors as the result of the Copley Press decision.

A few of the programmatic highlights of the conference included: panel discussions of critical incident rollout and review, oversight of

jails and prisons, mediation, oversight through the media, a panel discussion of police-transgender issues, as well as a full afternoon of international presentations. The conference featured training in investigative topics such as use of force and examining the credibility of witnesses, sessions pertinent to members of boards and commissions, and a plenary address by Police Chief Ron Davis discussing his successful work to reach out to and work with East Palo Alto's diverse communities to turn around the city's high homicide rate.

This year's conference featured a Historical Downtown San Jose Treasure Hunt which showcased San Jose while challenging conference delegates to engage in a "workout" for the mind, think creatively and work collaboratively to solve clues taking them to historically significant, but off-the-beaten-path sites.

The general meeting attracted a record 301



▲ View of downtown San Jose with conference site, Fairmont Hotel, pictured on the right.

NACOLE members. Eduardo Diaz was elected NACOLE President and Phil Eure President-Elect at the General Meeting. Shirley Washington was elected as a board member at large.

Conference attendees embraced the four-day agenda with exuberance and praise for the presenters and conference organizers.

Barbara Attard is the independent police auditor for the City of San Jose and past-president of NACOLE.

"Cincinnati," continued from page 1

1995 NACOLE has worked to provide all segments of the oversight community with the opportunity to dialogue and exchange information regarding citizen oversight of law enforcement. This year's Conference will continue this tradition by offering educational presentations, workshops and discussion

forums addressing the most pressing issues in oversight. We hope to offer an enhanced schedule that will include additional training tracks for those just entering the field and those wishing to broaden their expertise and learn about the most effective techniques and tools employed by other oversight agencies.

For further details regarding the conference and its content please visit [www.nacole.org](http://www.nacole.org) throughout the spring and summer for the most up-to-date information.

We hope to see you in Cincinnati this fall!

"Middle Ground," continued from page 1

reform, and try to strengthen them accordingly.

It's an approach that offers the chance to practice oversight from a middle vantage point – one that allows us to see both the public and the Department more clearly than they, at times, can see each other. Occasionally, a high profile event provides a good example of this phenomenon in action, and Los Angeles saw one such event in October of this year. A story in the Los Angeles *Times* revealed that a particular LASD patrol station had engaged in a series of "challenges" or contests in which one police activity (arrests, car impounds, contacts with gang members) would become the focal point for a 24 hour period, and deputies were encouraged to try outdoing each other for the day.

The story captured quite a bit of attention, in part because it provoked a vigorous split in public reaction. Many respondents praised the initiative of the supervisor who planned the events, and scoffed at critics by asking, "If you aren't doing anything wrong, then what are you worried about?" Others, however – including those whose past experiences with the police inclined them toward skepticism if not outright hostility – saw the "challenges" as evidence of a cavalier attitude toward the use of power and the rights of individuals. Some wondered facetiously if future "contests" might include a race for uses of force, or even shootings.

Rather than digging in its heels, the Department worked with OIR to address the situation in a thoughtful and constructive manner. The Sheriff first personally directed an immediate stop to the "contests," and the Department cooperated with OIR as it pulled the records from the days in question to evaluate the actions that were taken. The subsequent review determined that the reality, as is often the case, fell somewhere between the two extremes. For example, the fact that the only incentive was "bragging rights" defused some of the more troubling suspicions about deputies cutting corners for all the wrong reasons. Moreover, though the arrests had been the most controversial aspect of the challenges, careful scrutiny of each by OIR supported their legitimacy. A number of officers mentioned to OIR along the way that comparable (though less formal) "contests" had been conducted throughout law enforcement for generations – with no harm done. From their insiders' perspective, confident as they were in their own good intentions, these officers found the public's criticism to be overheated. Most, however, were also willing to acknowledge that the story had presented the Department in a bad light. They recognized that problematic perceptions could easily emerge when the public has any reason to doubt the judgment and motivation of officers in the field.

Much of the "watchdog" role in this case had

actually been performed by the reporters who first broke the story. Once the press attention fell away, though, there was still useful work to be done by the local oversight entity. In the weeks that followed this story, OIR had the chance to address some of the public criticism. The agency explained the checks and balances that exist and the remedial scrutiny that had occurred. Significantly, OIR pointed to its independent review of the arrests and other police action that had taken place on the days in question, and its independent assessment of whether the challenges had led to "bad arrests" or other violations of civil rights. Additionally, OIR persuaded the Sheriff to issue a formal memorandum to his personnel indicating the downsides of such "challenges" and emphasizing the importance of quality over quantity in police work.

Though the Department's need to deal with high-profile controversies is usually limited to a handful of incidents each year, OIR's emphasis on facilitating communication and understanding between the Department and the public is an ongoing enterprise. When we find ways – large or small – to sharpen LASD's responsiveness to public concerns or help put an event into a more balanced perspective, we consider it a constructive and meaningful exercise of our oversight function.

*Stephen Connolly is an attorney with the Los Angeles County Office of Independent Review.*

"CIT: Philly," continued from page 4

The Role of Oversight Agencies

**Public Relations & Advocacy** – The public mind is saturated with stories of sensational fatal encounters involving police and the mentally ill. Use hearings, community meetings, your agency's website, editorials, etc, to dialogue with the public about CIT's value to officers and citizens. Engage and educate your city council and state legislators, who must be on board to support budget requests and changes to mental health procedure law.

**Data Collection & Analysis** – Modify your systems to flag complaints, use of force and incident reports where mental illness is a dominant factor, and systematically review the information with CIT team members. Map and geo-code incidents to help identify where team resources should be concentrated.

**Policy Recommendations** – Oversight agencies should consider formal recommendation of the creation or strengthening of CIT

programs in their jurisdictions. CIT is an opportunity to contribute to real change, instead of just responding after the fact to tragic incidents such as shootings. In addition, ongoing community dialogue between police, social service agencies and consumers in meetings over CIT issues can create the bonds that build trust among stakeholders and allow for frank discussion without the usual rancor.

*Kelvyn Anderson is the deputy director of Philadelphia's Police Advisory Commission.*

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# **The National Institute of Crime Prevention Racially Biased Policing Training**

**A program to facilitate fair and impartial policing**

## **Las Vegas, Nevada**

**April 21-23,2008 or July 14-16,2008**



Lorie **Fridell, Ph.D.**, formerly with the Police Executive Research Forum (PERF) and now with the University of South Florida, will describe how agencies can and should respond to the critical issues of racially biased policing and the perceptions of its practice and how resident stakeholders can facilitate responsible police actions. The training is geared toward law enforcement executives, command staff, and concerned stakeholders.

**For information on this training go to:**

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